undertake certain activities related to establishing a regulatory framework for licensing nuclear reactors that use advanced technologies for either commercial or research-related purposes. The bill also would modify the NRC's underlying authority to charge fees to entities that the agency regulates and would authorize the Department of Energy (DOE) to provide grants to developers of advanced nuclear technologies to help pay for the costs of developing and licensing such technologies. Finally, S. 512 would amend existing law regarding the disposition of excess uranium materials managed by DOE.

CBO estimates that implementing S. 512 would cost $386 million over the 2018–2022 period, assuming appropriation of the necessary amounts. Pay-as-you-go procedures apply because enacting the bill would affect direct spending; however, CBO estimates that any such effects would be insignificant. Enacting S. 512 would not affect revenues.

CBO estimates that enacting S. 512 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 512 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary effect of S. 512 is shown in the following table. The costs of this legislation fall within budget function 270 (energy).

| | By fiscal year, in millions of dollars— | | | | | | |
|---|---|---|---|---|---|---|---|
| | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2017–2022 |
| INCREASES IN SPENDING SUBJECT TO APPROPRIATION[a] | | | | | | | |
| Advanced Nuclear Energy Licensing Cost-Share Grants: | | | | | | | |
| Estimated Authorization Level | 0 | 87 | 88 | 90 | 92 | 93 | 450 |
| Estimated Outlays | 0 | 26 | 53 | 80 | 90 | 91 | 340 |
| Accelerated NRC Activities: | | | | | | | |
| Estimated Authorization Level | 0 | 10 | 10 | 10 | 10 | 10 | 50 |
| Estimated Outlays | 0 | 7 | 9 | 10 | 10 | 10 | 46 |
| Total Changes: | | | | | | | |
| Estimated Authorization Level | 0 | 97 | 98 | 100 | 102 | 103 | 500 |
| Estimated Outlays | 0 | 33 | 62 | 90 | 100 | 101 | 386 |

Note: NRC = Nuclear Regulatory Commission.
[a] CBO estimates that enacting the bill would have no significant effect on direct spending.

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 512 will be enacted near the start of fiscal year 2018 and that amounts estimated to be necessary will be provided at the start of each year. Estimated outlays are based on historical spending patterns for affected activities.

Advanced Nuclear Energy Licensing Cost-Share Grants

S. 512 would authorize DOE to provide grants to developers of advanced nuclear technologies to accelerate the development, licensing, and commercial deployment of those technologies. Such grants would be available for a range of costs related to those efforts, including fees charged by the NRC for licensing-related activities. Based on an analysis of information from DOE, CBO estimates that spending for such assistance under S. 512 would require appropriations totaling $450 million over the 2018–2022 period. That estimate is in line with the total amount of funding provided by the Congress for a six-year effort, now largely completed, to support the development, certification, and licensing of small modular reactors (a type of advanced nuclear technology). Assuming appropriation of those amounts, CBO estimates that outlays would total $340 million over the 2018–2022 period and $110 million after 2022.

Accelerated NRC Activities

Funding for the NRC—which totals approximately $1 billion in 2017—is provided in annual appropriation acts. Under current law, the agency is required to recover most of its funding through fees charged to licensees and applicants; CBO estimates that such fees, which are classified as discretionary offsetting collections, will total nearly $900 million this year.

S. 512 would require the NRC to establish a regulatory framework for licensing advanced nuclear reactors, defined in the bill as reactors that involve significant technological improvements relative to those currently being constructed. The bill specifies that any funding provided to the NRC for activities related to developing that framework would be excluded from the portion of the agency's budget that is offset by fees the NRC collects. Based on an analysis of information from the NRC about the anticipated costs of establishing the proposed licensing regime within the timeframe specified by the bill, CBO estimates that implementing S. 512 would cost $46 million over the 2018–2022 period, mostly for salaries and expenses for technical experts required to develop the necessary analyses and regulations.

In addition, starting in 2020, the bill would modify the existing formula used to determine the amount of NRC fees. CBO expects that the proposed modifications to the formula used to set regulatory fees charged by the NRC could change the amount of such fees collected in future years. Under both current law and S. 512, the amount of such fees would depend on the level of funding provided for a range of specific NRC activities. Because CBO has no basis for predicting how much funding will be provided for such activities in future years, CBO cannot determine whether the resulting fees would be higher or lower under S. 512 than under current law.

PAY-AS-YOU-GO CONSIDERATIONS

S. 512 would amend exiting law regarding the disposition of uranium materials managed by DOE. Under the bill, DOE would be required to develop plans for marketing those materials and to comply with annual limits on the volume of uranium materials placed into commercial markets. Specifically, the bill would cap sales and transfers at 2,100 metric tons per year through 2025 and at 2,700 metric tons starting in 2026. The bill also would expressly authorize DOE to market materials derived from depleted uranium, which is one of the by-products of the uranium enrichment process.

According to DOE, uranium sales and transfers averaged about 2,450 metric tons a year over the 2012–2015 period, but fell to 2,100 metric tons in 2016. Using information from studies done for the department on uranium markets, CBO estimates that the quantity of uranium that will be disposed over the 2018–2027 period under current law probably will remain below 2,100 metric tons a year. Thus, CBO estimates that the caps on sales and transfers of uranium materials in S. 512 would have no significant effect on offsetting receipts from those activities over the 2018–2027 period. (Under current law, CBO estimates that the sales of those materials will total about $800 million over the 2018–2027 period; however, CBO expects that only a portion of that value, or $80 million, will be deposited in the Treasury as offsetting receipts because of uncertainty surrounding DOE's budgetary treatment of these transactions.)

INCREASE IN LONG-TERM DIRECT SPENDING AND DEFICITS

CBO estimates that enacting S. 512 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

INTERGOVERMENTAL AND PRIVATE-SECTOR IMPACT

S. 512 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

PREVIOUS CBO ESTIMATE

On June 12, 2017, CBO transmitted a cost estimate for S. 97, the Nuclear Energy Innovation Capabilities Act of 2017, as ordered reported by the Senate Committee on Energy and Natural Resources on March 30, 2017. Both bills contain provisions that would authorize DOE to provide cost-share grants to support the expedited development, licensing, and commercial deployment of advanced nuclear technologies. Because those provisions are substantively the same and the estimated costs of implementing those provisions are the same in both bills. The estimated increase in spending subject to appropriation under S. 512 is greater than under S. 97 because the estimate for S. 512 includes additional costs for the NRC to meet new requirements specified by that bill.

ESTIMATE PREPARED BY:

Federal Costs: Megan Carroll and Kathleen Gramp; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Amy Petz.

ESTIMATE APPROVED BY:

H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

## NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request at the present time relating to the nomination of Steven A. Engel, of the District of Columbia, to be the Assistant Attorney General for the U.S. Department of Justice Office of Legal Counsel until Mr. Engel responds to questions I posed to him in a June 12, 2017, letter concerning a May 1, 2017, opinion by the Office of Legal Counsel entitled, ''Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch.''

The Senate Judiciary Committee approved Mr. Engel's nomination on June

8, 2017, and my objection is not intended to question the credentials of Mr. Engel in any way. However, at that time, no member had sufficient opportunity to pose questions to Mr. Engel concerning the May 1, 2017, OLC opinion. I believe each Member of my committee and of the Senate should have the benefit of his views on the opinion as they consider his nomination to lead the office that created it.

The opinion erroneously states that individual Members of Congress are not constitutionally authorized to conduct oversight. It creates a false distinction between oversight and what it calls ''nonoversight'' requests, and it relegates requests from individual Members for information from the Executive branch to Freedom of Information Act requests. I have written a letter to the President requesting that the OLC opinion be rescinded. The Executive branch should properly recognize that individual Members of Congress have a constitutional role in seeking information from the Executive branch and should work to voluntarily accommodate those requests.

My June 12, 2017, letter to Mr. Engel asks him several questions about the opinion, including whether the opinion met the OLC's own internal standards requiring impartial analysis, whether individual Members of Congress are ''authorized'' to seek information from the Executive branch, and what level of deference the Executive branch should provide to individual Member requests. I ask unanimous consent that it be printed in the RECORD following my remarks. I look forward to Mr. Engel's responses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, June 12, 2017.*

STEVEN A. ENGEL,
*Care of the Office of Legislative Affairs, United States Department of Justice, Washington, DC.*

DEAR MR. ENGEL: recently, the Committee obtained a copy of a May 1, 2017, Office of Legal Counsel (OLC) opinion entitled ''Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch.'' That opinion asserts that individual Members of Congress in fact do not have that authority. Specifically, the opinion states, quite remarkably, that individual Members of Congress are not Constitutionally authorized to request information from the Executive Branch. It further states that requests from non-Chairmen essentially are subject to the same level of deference as a request submitted from a private, unelected member of the public pursuant to the Freedom of Information Act (FOIA).

As you know, the Constitution imposes significant responsibilities on each and every Member of Congress that require them to make informed decisions and cast votes in the best interests of their constituents on a vast array of matters. Those responsibilities in many instances require that the Members have access to Executive Branch information. The OLC opinion did not entertain this and other key points and did not attempt to address the significant and dangerous implications it creates for the separation of powers, bipartisan congressional oversight, transparency in government, and accountability to the American people. Your views on this opinion, its incomplete analysis, and its highly problematic conclusions are very important for ''individual Members'' of the United States Senate to carefully weigh as they consider your nomination.

Thus, please respond to the following questions by June 26, 2017. Please number your answers according to their corresponding questions.

1. Are you familiar with the May 1, 2017 OLC opinion?

2. In your view, does this opinion meet the standards described in OLC guidance that require impartial analysis of competing authorities or authorities that may challenge an opinion's conclusions? If so, can you please point to the portion of the opinion which you believe fully discusses contrary authority or arguments for non-Chairmen's need for information from the Executive Branch to carry out their constitutional function?

3. Do you believe that individual Members of Congress, who are not Chairmen of committees, are ''authorized'' to seek information from the Executive Branch to inform their participation in the legislative powers of Congress? Do you believe they are authorized by the Constitution? Why or why not? Do you believe that they are authorized by Congress? Why or why not?

4. In your experience, what percentage of congressional requests for information are answered by the Executive Branch on a voluntary basis?

5. In your view, what is an appropriate reason for withholding information requested by an individual Member of Congress?

6. In your view, does the Executive Branch have any Constitutional responsibility to respond to requests for information from individual Members of Congress as part of a process of accommodation in order to promote comity between the branches? If not, why not?

7. Is a request from an individual, elected Member of Congress entitled to any greater weight than a FOIA request, given the Member's broad Constitutionally mandated legislative responsibilities? Why or why not?

Thank you for your cooperation in this important matter. Should you have questions, please contact DeLisa Lay of my Committee staff.

Sincerely,

CHARLES E. GRASSLEY,
*Chairman, Committee on the Judiciary.*

## ADDITIONAL STATEMENTS

### TRIBUTE TO LARRY VOYLES

● Mr. MCCAIN. Mr. President, I come to the floor today to congratulate Larry Voyles, the former executive director of the Arizona Game and Fish Department, for his 40 years of dedicated service to the State of Arizona and the Nation.

Larry recently retired from the helm of my home State's wildlife management agency. He leaves with a litany of accolades and achievements that underscore a remarkable career. During his time at the department, Larry also served in a variety of national posts that advanced Federal policies important to outdoor sports and wildlife conservation, including as president of the Association of Fish and Wildlife Agencies.

Larry first began at the department as a district manager and eventually ascended to become the agency's top training officer and later a regional director before being selected by the Arizona Game and Fish Commission to serve as the executive director for the past 8 years.

Faced with daunting challenges like regional drought and catastrophic wildfires, Larry proved time and again that the department understands how to care for the land and the large variety of animal life in the Grand Canyon State. Larry also knows the importance of safeguarding a State's right to manage wildlife populations without undue interference from the Federal Government, and he remains a tireless advocate for sportsmen community and those pursuing meaningful wildlife conservation.

I thank Larry, my friend, for his honorable service at the Arizona Department of Game and Fish and wish him the best in his future endeavors.●

### TRIBUTE TO DARYL DELABBIO

● Mr. PETERS. Mr. President, today I wish to mark the distinguished 40-year public service career of Daryl Delabbio of Kent County, MI. Mr. Delabbio is widely regarded as one of the Nation's preeminent municipal managers, helping lead his region to growth and prosperity with an unwavering devotion to financial stability and customer service. Mr. Delabbio is retiring as the administrator of Kent County, a position he has held for the past 19 years. Prior to that role, he served as assistant Kent County administrator for 3 years and as manager of the city of Rockford, MI, for 11 years. Mr. Delabbio began his municipal career in 1977 as administrative coordinator for the city of Rockwood, before joining Garden City, MI, as director of administrative services.

Mr. Delabbio has presided over a county that emerged from Michigan's historic economic downturn as the fastest growing county in the State. His success has stemmed from building important partnerships, while prioritizing excellent citizen services and encouraging diversity and inclusion throughout the county. He has distinguished himself by spearheading many of the successful public and private partnerships that have become the hallmark of Kent County's prosperity. Mr. Delabbio was one of the founders of the Kent County/Grand Rapids Convention and Arena Authority, an organization whose work has greatly advanced the economic development of Kent County. The authority's development of a downtown convention center and sports and entertainment arena have become catalysts for the economic vitality of Grand Rapids, Michigan's second-largest city.

Mr. Delabbio has shown a dedication to lifelong learning by creating various educational programs for county staff and a strong commitment to diversity, equity and inclusion. In 2001, he helped